

## **Introduction:**

### **T2 Rural**

Rural Character Subdivision Regulations provide for significant preservation of resources (natural, historical, cultural), views, and the rural character of an area. This type of subdivision is limited to those areas designated as Rural.

### **How to Use These Regulations**

As noted above, an applicant may develop conventional suburban subdivisions, outside of T2 Rural Neighborhood policies. The requirements of Chapter 3. General Requirements for Improvements, Reservations, and Design will need to be met for these types of subdivisions. Within T2 Rural Neighborhood policies, the requirements of Chapter 4. Rural Character Subdivisions apply. Outside of T2 policies, applicants may, however, opt to develop alternative subdivisions that are more rural or urban in nature. The requirements of Chapter 4. Rural Character Subdivisions must be met for a rural subdivision and the requirements of Chapter 5. Walkable Subdivisions must be met for a more urban pattern of development. Where there are no alternative standards included in Chapter 4 or Chapter 5, the regulations of Chapter 3 apply to these subdivisions.

## **Table of Contents to be amended to reflect the changes below.**

### **Chapter 1:**

1-3.3. *How to Use these Regulations.* Within T2 Rural Neighborhood policies, the requirements of Chapter 4. Rural Character Subdivisions apply. Outside of T2 Rural Neighborhood policies, an applicant may continue to develop conventional suburban subdivisions using the requirements of Chapter 3. General Requirements for Improvements, Reservations, and Design. Outside of T2 Rural Neighborhood policies, an applicant may choose to develop alternative subdivisions that are more rural or urban in nature. The regulations of Chapter 3 apply to these subdivisions as well. In addition, the requirements of Chapter 4. Rural Character Subdivisions must be met for a rural subdivision and the requirements of Chapter 5. Walkable Subdivisions must be met for a more urban pattern of development.

### ***1-13 Fees, in-lieu contributions and other assessments, estimates or payments***

1. Fees, in-lieu contributions and other assessments, estimates or payments required by this these regulations or by the Metropolitan Government in furtherance of these regulations for single or multi-phase developments shall be determined by the fee or rate at the time of assessment or payment, whichever is later. The Metropolitan Government of Nashville & Davidson County may update fees and rates over time to reflect current standards and/or changes in market rates.

### **Chapter 2:**

2-4.8. *Vested Rights.* No vested rights shall accrue to any plat by reason of concept plan, final site plan, or final plat approval, except as provided by the Vested Property Rights Act of 2014,

until the actual signing of the final plat by the Secretary of the Planning Commission and the recording of that plat with the Register of Deeds.

### **Chapter 3:**

*3-1.1 General Requirements.* Unless otherwise specified in these regulations, all subdivisions shall comply with the requirements of Chapter 3. Within T2 Rural Neighborhood policies, the requirements of Chapter 4. Rural Character Subdivisions apply. Outside of T2 Rural Neighborhood policies, an applicant may opt to develop alternative subdivisions that are more rural or urban in nature. The requirements of Chapter 4. Rural Character Subdivisions may be used to develop a rural subdivision and the requirements of Chapter 5. Walkable Subdivisions may be used for a more urban pattern of development. For any regulation not included in Chapters 4 or 5, the regulations of Chapter 3 shall apply.

*3-4.2.d.7.* The flag lot private drive and/or access easement shall be at least fifteen feet wide for its entire length.

*3-4.2.f. Additional Yard Area.* Residential lots, including double frontage and corner lots, shall be platted so that the depth of any yard abutting an arterial or collector street, limited access highway or railroad can conform to any additional yard requirements established by the zone district requirements.

1. In residential areas, a setback of at least 25 shall be required adjacent to a railroad right-of-way or limited access highway.
2. In commercial or industrial areas, the nearest street extending parallel or approximately parallel to a railroad right-of-way shall, wherever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.

*3-5.1. Infill Subdivisions.* In areas outside of T2 Rural Neighborhood policies that are previously subdivided and predominantly developed, residential lots resulting from a proposed subdivision within the R and RS zoning districts on an existing street shall be compatible with the General Plan as outlined in Sections 3-5.2 through 3-5.6.

*3-5.2. Criteria for Determining Compatibility for policy areas designated in the General Plan as Neighborhood Maintenance, except where a Special Policy and/or a Designated Historic District exists.* The following criteria shall be met to determine compatibility of proposed infill lots to surrounding parcels. For the purposes of this section, "surrounding parcels" is defined as the five R, R-A, RS or RS-A parcels oriented to the same block face on either side of the parcel proposed for subdivision, or to the end of the same blockface, whichever is less. Parcels may be excluded if used for a non-residential purpose, including but not limited to a school, park or church. Where surrounding parcels do not exist, the Planning Commission may grant an exception to the compatibility criteria by considering a larger area to evaluate general compatibility. An exception to the compatibility criteria may be granted by the Planning Commission for a SP, UDO, PUD or cluster lot subdivision by approval of the rezoning or concept plan.

*3-5.3. Criteria for Determining Compatibility for policy areas designated in the General Plan as Neighborhood Evolving, and/or Special Policies, except within Designated Historic Districts:*

- a. All minimum standards of the zoning code are met.
- b. Each lot has street frontage or meets the requirements of Section 3-4.2.b for fronting onto an open space or meets the requirements of Sections 4-6.3 or 5-3.1 fronting onto an open space.
- c. The current standards of all reviewing agencies are met.
- d. The proposed lots comply with any applicable special policy. If the property is also within Neighborhood Maintenance policy and the special policy was adopted to preserve community character, not create infill opportunities, then the standards of Section 3-5.2 also apply.

*3-9.3. Additional Regulations for Private Streets.* Private streets may be included in any subdivision in conformity to these standards so long as the subdivision is included within a PUD, a UDO, a SP, or is within eligible areas of Conservation or T2 Rural policy areas with lots five acres or greater (as defined in Section 7-2).

*3-9.3.c.* Private streets in subdivisions within eligible areas of Conservation and T2 Rural policy areas (as defined in Section 7-2) shall conform to the following:

*3-16.2. Mandatory Connection to Public Sewer System or Provision for Future Connection.*

Residential lots having an area of one acre or more, exclusive of public ways, may be permitted without the provision of public sanitary sewers, if such is not reasonably accessible, provided that an alternate method of sewage disposal is approved by the Metropolitan Health Department. Commercial and industrial development sites along existing publicly maintained streets, with no provision of additional streets providing frontage or access of any site being developed may be permitted without the provision of public sanitary sewers, if not reasonably accessible, provided that the plan of subdivision indicates the proposed use of the sites being developed and that an alternate method of sewage disposal for such use is approved by the Metropolitan Health Department.

## **Chapter 6:**

*6-3.4. Release of Bonds in Rural Character Subdivisions.* In addition to requirements of Sections 6-3.1, 6.3.2 and 6.3.3, no bond shall be released for improvements in a Rural Character Subdivision until the applicant demonstrates that the impacts associated with the improvements have been mitigated and that all conditions related to the improvements have been satisfactorily fulfilled.

## **Definitions:**

*Lane.* A road of low capacity and low speed serving Rural Character subdivisions built at low gross densities in rural environments or providing access to low density land uses on the neighborhood edge of Walkable Subdivisions. Lanes may intersect to form a widely spaced organic grid, but should follow the terrain to minimize land disturbance. Lanes provide circulation within rural areas by connecting Rural Character subdivisions to one another and serve primarily vehicular travel. From centerline to edge, the Lane's architecture includes a vehicular travel lane, a grassed shoulder, ditch drainage, and may provide for bicycle travel in a bike lane, wide outside lane, or on a multi-use side path that simultaneously serves pedestrians and cyclists. Side plantings are naturalistic rather than formal and take the place of buildings to

create an acceptable ratio of street enclosure. Buildings are well set back from the street. Driveways, if present, can be spaced no closer than an average of 100 feet. A Lane is compatible with streets functionally classified as Locals and Minor Locals. The Lane designation is dropped when the street exits the rural area or neighborhood edge and enters a conventional suburban or urban area.

*Infill Development.* Refers to proposed development within previously subdivided and predominantly developed areas.

*Subdivision, Infill.* Refers to proposed development within previously subdivided and predominantly developed areas where new lot(s) are created. Consolidation plats and plats for the purposes of shifting lot lines are not infill subdivisions.

*Eligible Areas, Conservation and T2 Rural Neighborhood Policies.* Areas of the county that are eligible for subdivision on private streets because the property to be subdivided lies within a Conservation or T2 Rural Neighborhood community character policy areas (designated by the General Plan), is proposed for the creation of lots of five acres or greater, has a predominance of steep topography or floodplain precluding development of lots on less than five acres.

## CHAPTER 4. RURAL CHARACTER SUBDIVISIONS

### 4-1. Intent

1. *Purpose.* Land designated in the General Plan as a T2 Rural Neighborhood policies reflects land with sensitive and unique topographic and geological characteristics, scarce prime agricultural land or landscapes with a historic rural community character. These areas provide living and working options differentiated from the more suburban and urban parts of the county. The value of rural and conservation land is recognized by the County in the General and Community Plans, which aim to protect and preserve the rural character and sensitive environmental resources on these lands. In areas designated as T2 Rural Neighborhood, the impact of land subdivision, land development, and intensification of activities can have significant ramifications to the region's resources and health and well-being. Therefore, these lands must be planned carefully to facilitate the maintenance of a harmonious development pattern, preservation of prime agricultural lands and the conservation of sensitive environmental resources and rural character is the key focus of any subdivision.

Development on the perimeter of the site should give consideration to protection of the property from adverse surrounding influences, as well as protection of the surrounding areas from potential adverse influences within the development. For example, development sites should not be located in proximity to neighboring agriculture operations without proper buffering. In addition, development sites should be located away from public roads and trails in order to preserve homeowner privacy. Diversity and an irregular in lot layout are encouraged in order to achieve the best possible relationship between the development and the land.

Through the application of Rural Character Subdivisions, it is the intent of the Planning Commission to:

1. Provide for the preservation of open space as a watershed protection measure.
2. Minimize adverse impacts on important natural resources and rural land.
3. Preserve in perpetuity:
  - a. Unique or sensitive natural resources such as groundwater, floodplains and floodways, wetlands, streams, steep slopes, prime agricultural land, woodlands and wildlife corridors and habitat.
  - b. Scenic views.
  - c. Historic and cultural features of the rural landscape, including historic farmhouses and outbuildings, stonewalls, and tree lines.
  - d. Historic and archaeological sites.
4. Permit flexibility of design of rural land that will result in a more efficient and environmentally sensitive use of land, while being harmonious with adjoining development and preserving rural character.
5. Minimize land disturbance and removal of trees, vegetation, and soil during construction resulting in reduced erosion and sedimentation.
6. Permit grouping of houses and structures on less environmentally sensitive soils that will reduce the amount of infrastructure, including paved surfaces and utility easements,

necessary for development and will provide larger buffer areas to achieve appropriate rural development patterns.

7. Promote interconnected open space, greenways and undeveloped natural vegetated corridors through the community for wildlife habitat, protection of watersheds and enjoyment and use by the community.
  8. Produce a development pattern in rural areas consistent with rural character through variety in design rather than uniformity of appearance in siting and placement of buildings and use of open space.
  9. Minimizing views of new development from existing roads.
2. *Application.* The Nashville-Davidson County General Plan and associated Community Plans establish a community vision to guide development. Compliance with the goals and policies of these plans ensures that new development is in harmony with existing and desired development patterns and promotes the community's vision. These regulations are designed to insure that the rural character of the specified areas designated as T2 Rural Neighborhood policies on the adopted General or Community Plan is maintained and enhanced to the greatest extent feasible. All requests for the subdivision of land within areas so designated as T2 Rural Neighborhood policies shall be reviewed and developed as a Rural Character Subdivision in accordance with the provisions of this Chapter.

#### **4-2. Development Standards**

1. Identification of Conservation Land. Prior to design of any subdivision plan with new streets for any area subject to this chapter, Conservation Land shall be identified and, subject to the provisions of Section 4-2.2, preserved from any development or disturbance. Conservation Land shall be comprised of two areas, including:
  - a. Primary Conservation Areas. The following shall be considered Primary Conservation Areas and shall be included as Conservation Land:
    1. Land shown on FEMA maps as part of the 100 year floodplain or identified in local studies confirmed by the Stormwater Division of Metro Water Services (Stormwater Division)
    2. All perennial and intermittent streams and associated floodways with a 75-foot buffer measured from the outer edge of the floodway.
    3. Contiguous slopes over 15 percent.
    4. Problem soil, as listed in Section 17.28.050 of the Metro Zoning Code.
    5. Wetlands, as determined by Metro Stormwater.
    6. Known habitat for rare, threatened, or endangered species.
    7. Cedar Glade communities.
    8. Archaeological sites, cemeteries and burial grounds.
  - b. Secondary Conservation Areas. Secondary Conservation Areas are:
    1. Existing native forests of a least one-acre contiguous area.
    2. Prime farmland soils and land in agricultural use, including pastures, meadows, and open fields.
    3. Designated historic and specimen trees.

4. Geologic formations, such as rock outcroppings
  5. Natural areas and wildlife habitats and corridors.
  6. Scenic views onto the site from surrounding roads.
  7. Existing and planned recreation areas and trails that connect within the tract and to neighboring areas, including pedestrian, bicycle and equestrian trails.
  8. Significant historical and cultural sites.
2. Preservation of Conservation Land. Primary Conservation Areas shall be preserved and set aside through an appropriate means such as conservation easements and/or open space. Secondary Conservation Areas are encouraged to be preserved and set aside through an appropriate means, such as conservation easements and/or open space, to eliminate the possibility of future development of these areas.
  3. Development Footprint. The remaining land outside the boundary of the Conservation Land shall be designated as the Development Footprint. The Planning Commission may approve land initially identified as a Primary Conservation area for stream crossing or other infrastructure, but not within lots, provided the development of such area minimizes impacts to environmental resources.
  4. Rural Character Design. In order to preserve the desired rural character of these areas, two Character Options exist for the development of land within the development footprint. For the purposes of this section, “surrounding parcels” is defined as the five R, RS, AR2A or AG parcels oriented to the same block face on either side of the parcel proposed for subdivision, or to the end of the same blockface, whichever is less. If there are no surrounding parcels, the screened alternative shall be used.
    1. Countryside Character Option. This option may be used for any rural character subdivision. It is intended to maintain a natural, open rural character by minimizing the visual intrusion of development along the primary roadways through the use of setbacks and building placement, existing vegetation and natural topographical features that obscure the view of development from the street.
      - a. Open Alternative – Street frontage without existing vegetative or topographical screening.
        1. Building Setback along existing public streets. The required building setback shall be varied between lots. Where the minimum required street setback is less than the average of the street setback of the two parcels abutting either side of the lot(s) proposed to be subdivided, a minimum building setback line shall be included on the proposed lots at the average setback of the abutting parcels. When one of the abutting parcels is vacant, the next developed parcel shall be used. For a corner lot, both block faces shall be used. Where the majority of the abutting parcels are not developed, the minimum building setback shall be two times the amount of lot frontage. However, in no instance shall the minimum building setback be greater than 1,000 feet.
        2. Lot size along existing public streets.

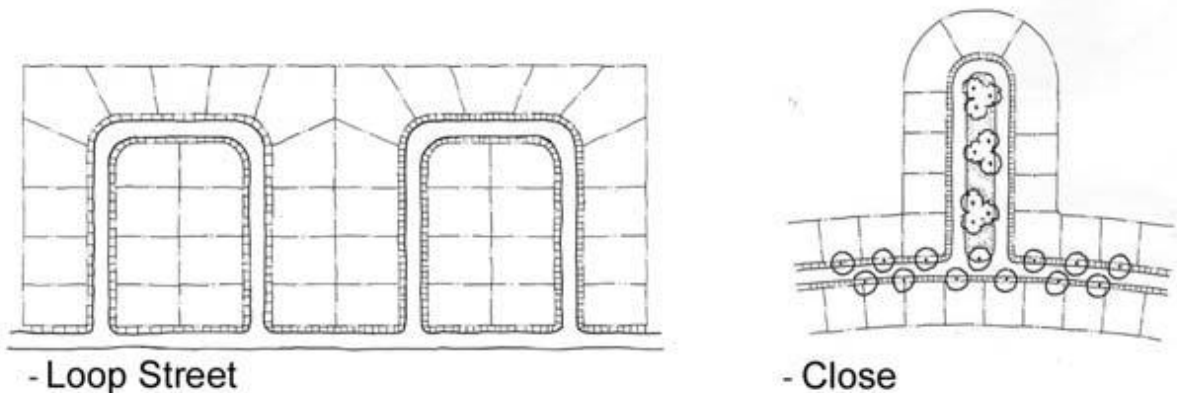
- a) Individual lot sizes shall vary in size to reflect the rural character.
  - b) The minimum lot size is either equal to or greater than 70% of the lot size of the average size of the surrounding parcels or equal to or larger than smallest of the surrounding parcels, whichever is greater.
  - c) Flag lots shall not be included in the analysis.
3. Lot frontage abutting existing public streets. Lot frontage is either equal to or greater than 70% of the average frontage of the surrounding parcels or equal to or greater than the smallest of the surrounding parcels, whichever is greater.
4. Cluster lot option. Development through the Countryside (Open Alternative) Character Option may utilize the provisions of Cluster Lot Option (Section 17.12.090 of the Zoning Code) within the Development Footprint area, excluding lots abutting existing public streets. Smaller lot sizes may be appropriate with the application of a Specific Plan (SP) zoning district that addresses building height, architecture, landscaping, building placement and detailed grading plan.
- b. Screened Alternative – Street frontage utilizing existing vegetative or topographical screening
  1. Lot Screening. Lots shall be designed to minimize visibility from the existing roadway network. Preservation of existing tree stands, existing topography, natural berms, rock outcroppings, and other features that currently provide visual screening shall be prioritized as the preferred means to minimize visibility. The concept plan/final plat shall include a landscape plan stamped by a landscape architect indicating the method to minimize the visibility from the adjacent roadway network. The Planning Commission shall determine whether the proposed screening method is sufficient to achieve the purposes of screening the development within a short (2-4 year) period and may require a bond to ensure the protection or completion of this improvement. The building envelopes shall be shown on the concept plan/final plat as a means to evaluate the effectiveness of existing and/or proposed visual screening techniques. All existing or proposed screening areas shall be designated as Conservation Land. The depth of the screened area shall be equal to the farthest building setback of primary structures on the surrounding parcels plus 300 feet. If no surrounding parcels are developed, then the screened area shall be 500 feet from the public right of way.
  2. Street lights. Within the USD, street lighting shall be low intensity and shall be projected downward with illumination that shields light from being emitted upwards toward the night sky or on surrounding natural areas. Within the GSD, no private street lights are permitted.
  3. Cluster lot option. Development through the Countryside (Screened Alternative) Character Option may utilize the provisions of Cluster Lot Option (Section 17.12.090 of the Zoning Code) within the Development Footprint area. Smaller lot sizes may be appropriate with the application of a SP that addresses building height, architecture, landscaping, etc.
  4. Use of Lot Screening Areas. Within the area designated for lot screening, areas identified as Prime farmland soils and land in agricultural use may be used for agricultural purposes, if permitted by the base zoning.



2. Agricultural Character Option. This option may be used at the choice of the property owner when the primary function of the subdivision is for agricultural use and a more open character is desired. A deeper building setback is required in order to maintain a rural building framework along the street. Buffers shall be provided between houses and agricultural lands to reduce the potential for conflict between residents and farming activities.
  - a. Building Setback. The building setback from the front lot line shall be a minimum of 200 feet or 2 times the width of the lot along the lot frontage, whichever is greater. However, in no instance shall the minimum building setback be greater than 1,000 feet.
  - b. Use of Conservation Areas. Within the designated Conservation Land, areas identified as prime farmland soils and land already in agricultural use may be used for agricultural purposes, if permitted by the base zoning.
  - c. Cluster lot option. Development through the Agricultural Character Option may utilize the provisions of Cluster Lot Option (Code Sec 17.12.090 of the Zoning Code) provided the Development Footprint is internal to the overall subdivision and can be shown to comply with Subsection d of this Section.
  - d. Supporting Agricultural Uses. The application of the Agricultural Character option shall:
    1. Support continuing or proposed new agricultural uses on the tract and adjacent tracts by configuring lots in a manner that maximizes the usable area remaining for such agricultural uses;
    2. Include appropriate separations/buffers between agricultural uses and residential structures to allow for the continued agricultural use;
    3. Minimize impacts to prime farmland soils and large tracts of land in agricultural use; and
    4. Avoid interference with normal agricultural practices.
3. Public Road Frontage. The Planning Commission may approve up to ten lots within a Rural Character subdivision without direct frontage on a public street provided there is a joint access easement to the lots.
4. Preservation of Tree Canopy. Prior to any land disturbance within the Development Footprint, a tree survey shall be undertaken and all trees 6" or greater in diameter shall be identified. No such identified trees shall be removed unless the tree is within the designated building envelope as designated on the final plat or approved for removal by the Urban Forester due to condition, disease or damage.
5. Street Design. A primary objective of Rural Character Subdivisions is to maintain an open space and environmental network through the uninterrupted connection of Conservation Land. Buildings are often located and oriented on the land to reflect the natural features of the land, and not a standardized streetscape. When creating any new roads in rural policy areas, roads that complement the rural character of existing rural corridors by using a two-lane rural cross section with swale and reflective striping (ST-255) shall be required. It is anticipated that road connectivity in these subdivisions may be less than other parts of the County. However, road connections may be required whenever necessary to further the overall rural character of the area.

- a. The street pattern shall be designed to minimize impacts to environmental resources and follow existing terrain as much as possible to minimize earthmoving and disturbance of the existing topography.
- b. Streets and private driveways should avoid open fields, agricultural lands, and sensitive lands, preferably along tree lines.
- c. Wherever possible, streets and driveways shall follow existing fence lines, hedgerows, and any existing gravel/dirt road.
- d. Streets may be designed using the appropriate street types contained in the Contextual Street Classification as defined in Section 7-2. Use of Public Works Street Cross Section ST-255 or equivalent (Non Curb and Gutter Cross Section) is encouraged for all local streets.
- e. Driveway crossings on streets built without curb and gutters shall meet the standards for driveway crossings contained in Volume 1 of the Stormwater Management Manual.
- f. Cul-de-sacs are generally discouraged and shall be permitted only where all other street design alternatives, such as loop streets or closes shown in Figure 4-1, are not feasible and one of the following two conditions exists:
  1. Where natural features such as wetlands or steep slopes exist or other primary or secondary conservation areas that are not desirable to remove.
  2. Where connection to an existing or planned street is blocked by an existing permanent structure, an existing or planned interstate, or a protected open space area.

Figure 4-1: Alternatives to Cul-de-sacs.



- g. The street network shall be designed to:
  1. Preserve existing tree lines, hedgerows, and watercourses.
  2. Minimize alteration of natural, cultural, or historic features.
  3. Promote pedestrian movement.
  4. Secure the view to prominent natural vistas.
  5. Minimize crossing of designated Conservation Land.
6. Private streets as defined in Section 3-9 3 of these regulations (Requirements for Streets) are appropriate as needed to maintain the rural character of proposed subdivision.
7. Drainage and Storm Sewers. The storm water system within a subdivision shall be designed in accordance with the requirements of Section 3-14 of these regulations and the requirements of

the Metropolitan Stormwater Management Regulations. Use of rural appropriate or light impact storm-water management designs is encouraged.

8. **Public Water Facilities.** The public water system shall be designed in accordance with the requirements of Section 3-15 of these regulations and the requirements of the Metropolitan Department of Water Services.
9. **Utilities.** All utilities shall be located underground in accordance with the provisions of Section 3-17 of these regulations.
10. **Sewerage Facilities.** All sewerage facilities shall be designed in accordance with the requirements of Section 3-16 of these regulations.
11. **Areas of Common Sewage Disposal for Individual Sewage Disposal Systems.** The location of all operating parts of the individual sewage disposal systems or other sewage disposal system approved by Metro Water Services, situated in lands held in common and any easements shall be shown on the final subdivision plat.
12. **Lands Set Aside.** Land that is dedicated for use for a sanitary sewer disposal, whether for a public system or an individual sewage disposal system or other sewage disposal system approved by Metro Water Services, or land that is dedicated for conventional stormwater management devices, that require a disturbance to the land, shall be set aside for such purposes and not included as Conservation Lands.

#### **4-3 Conservation Land and Common Property Management**

1. ***Homeowners' Association Required.*** A homeowners' association shall be established and membership in the association shall be mandatory for all purchasers of homes in the development and their successors. The homeowners' association bylaws shall guarantee continuing maintenance of the open space and other common facilities.